

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matters of)	
)	
CenturyTel Inc. of Central Wisconsin)	
)	
and)	
)	
GTE North Incorporated,)	
)	CC Docket 96-45
)	
Joint Petition for Waiver of the Definition)	
of "Study Area" Contained in the)	
Appendix to Part 36 of the Commission's)	
Rules (Glossary); and)	
)	
Petition of CenturyTel of)	
Central Wisconsin, LLC for Waiver)	
of Sections 61.41(c) and 69.3(g)(2))	
of the Commission's Rules)	

Comments

The National Exchange Carrier Association, Inc. (NECA) submits these comments on the above-captioned matter, in response to the Federal Communications commission *Public Notice*, released May 8, 2000.¹ NECA supports grant of the waivers sought in these *Petitions*.²

¹ See CenturyTel of Wisconsin, LLC and GTE North Inc. Seek Waiver of the Definition of "Study Area" in Part 36 of the Commission's Rules and Sections 61.41(c) and 69.3(E)(9) [sic] of the Commission's Price Cap Rules, Federal Communications Commission Public Notice, CC Docket 96-45, DA 00-1014, rel. May 8, 2000 (*Public Notice*). In these Comments, the CenturyTel Companies and GTE Companies are referred to separately as 'CenturyTel' and 'GTE', respectively; and collectively as Petitioners.

² See Joint Petition for Waiver of the Definition of "Study Area" Contained in the Appendix to Part 36 of the Commission's Rules (Glossary) of : CenturyTel Inc. of Central Wisconsin, LLC; and GTE North, Incorporated; and Petition for Waiver of

On April 25, 2000, CenturyTel and GTE filed a joint petition for waiver of the definition of "study area" contained in the Commission's rules ("frozen study area rule"), to allow GTE to alter the boundary of its existing study area in Wisconsin, and to allow CenturyTel to establish a single new study area in Wisconsin, after the transfer of 42 local telephone exchanges (inclusive of approximately 64,800 access lines) from GTE to CenturyTel.³ CenturyTel also seeks waiver of section 61.41(c) of the Commission's price cap rules, to exempt it from the price cap "all or nothing" rule.⁴ Additionally, CenturyTel seeks waiver of section 69.3(g)(2), in order to return acquired access lines to NECA's common line access charge pool after the purchase.⁵

Petitioners show that there will be no USF effect from the transfer, because under existing Commission rules,⁶ CenturyTel will receive the same level of support for acquired lines as did GTE before the transfer.⁷ (GTE presently receives no USF

Sections 61.41(c) and 69.3(g)(2) of the Commission's Rules of: CenturyTel of Central Wisconsin, LLC, CC Docket 96-45, filed April 25, 2000 (*Petition*).

³ *Public Notice* at 1.

⁴ *Id.* Section 61.41(c) requires non-price cap companies, and telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof. 47 C.F.R. 61.41(c).

⁵ *Id. Petition* at 1.

⁶ *See* 47 C.F.R. § 54.305.

⁷ *See Petition* at 6-7. Petitioners also demonstrate that grant of the waiver is in the public interest. They show that the resulting transaction will provide customers with "a full range of telecommunications and information services including local exchange and exchange access, long distance, custom calling features, caller ID, advanced services, including broadband and local dial-up Internet access, and will also have out-of-band Signaling System 7 (SS7) capability." Additionally, Petitioners attached a copy of a letter to the Commission from the Wisconsin Public Service Commission (PSC), in which the PSC states it has no opposition to grant of this waiver by the Commission. *See Petition* at 8-10 and at *Exhibit C*.

payments for the exchanges in question, and, therefore, CenturyTel likewise will receive none.)

CenturyTel requests waiver of section 69.3(g)(2)⁸ of Commission rules, in order to return all of the acquired lines to the NECA common line pool (the "one-way pooling rule.") As Petitioners explain, this rule was adopted as part of the Commission's implementation of changes in its former mandatory common line pooling rules, and was intended to prevent transfer of costs between and among pooling versus non-pooling companies, when mandatory common line pooling ended, and also to prevent instability within the pool.⁹ Petitioners further point out that the Commission recognized, when it instituted the one-way pooling rule, that this requirement should not deter local exchange carriers from executing a transaction that would otherwise be desirable, and this was the reason for setting the threshold for waiver requests at 50,000 lines.¹⁰ Thus, a waiver would enable CenturyTel to return lines to the common line pool previously removed by GTE when it withdrew from common line pool participation in 1989, a business decision deemed appropriate by GTE at that time, but which CenturyTel asserts is not correct for itself. CenturyTel points out the availability of long-term support (LTS) that will be

⁸ Section 69.3(g)(2) provides that a NECA common line tariff participant that is not party to an acquisition may include newly acquired properties in the common line tariff, as long as the net addition of common lines resulting from the transaction does not exceed 50,000, and provided that if any acquired lines are returned to the tariff, then all of the lines must be returned. *See* 47 C.F.R. § 69.3(g)(2).

⁹ *Petition* at 14-15.

¹⁰ *Id.* at 15.

attributed to these additional lines will be essential for CenturyTel to charge a competitive rate to its interstate access customers.¹¹

For the reasons stated in the *Petition*, NECA supports grant of the requested waivers. Further, NECA affirms that the proposed addition of lines to the common line pool will not significantly impact common line pool revenue requirements, and will not impose any undue administrative burdens on NECA.

Respectfully submitted,

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¹¹ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that copy of the Comments was served this 30th day of May 2000, by electronic delivery or first class mail, to the persons listed below.

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